



10-10-06

Express MAIL LABEL
EQ 851114335

DPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert R. Gray)
Serial No: 10/068,575) ART UNIT: 3727
Filed : February 2, 2002) Examiner: Stephen J. Costellano
For: TRASH RECEPTACLE WITH SUCTION MEANS FOR DRAWING)
A FLEXIBLE BAG LINER AGAINST ITS INTERIOR WALLS)

Via Fax and Express Mail

Technology Center 3700, Art Unit 3727
ATTN: STEPHEN J. COSTELLANO
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22303-1450

October 8, 2006

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
(MPEP 711.03 (c) II and 37 CFR 1.181)

Applicant's agent hereby petitions that the holding of abandonment set forth in the Notice Of Abandonment mailed by the office on 08/30/2006 be withdrawn due to non-receipt of the Notice of Allowance.

CERTIFICATE OF MAILING
EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Date: Kenneth A Roddy

Oct. 8, 2006

Kenneth A. Roddy

STATEMENT

The procedures and controls utilized by the undersigned agent when correspondence is received from the PTO include pulling the clients file from the filing cabinet, noting the matter on the file jacket, writing a letter to the client concerning the Office Action, banding the Office Action to the file, and placing the banded Office Action and file on my desk in a group of files in chronological order according to the response due date. These procedures were followed in the situation at hand.

The Notice of Abandonment dated 08/30/06 indicated that the issue fee was not received. The mailing date of a Notice Of Allowance was not given. A telephone call was made to the Examiner on October 4, 2006 to report non-receipt of a Notice Of Allowance, and the Examiner indicated that the mailing date of the Notice of Allowance was April 27, 2006.

A search of the file jacket and docket records indicates that the Notice of Allowance (mailing date 04/27/2006) was not received.

A copy of the outside of the file jacket on which receipt of the Notice of Allowance would have been entered and docketed is attached hereto, along with copies of other Notices of Allowances and Office Actions that were mailed from the PTO before and after the mail date of the non-received Notice of Allowance and docketed for a response three months from the mail date of the non-received Notice Of Allowance.

SUBMISSION

Submitted herewith are:

(Exh. A) A reduced copy of the outside of the file jacket for Serial No. 10/068,575 on which receipt of the non-received Notice of Allowance would have been entered and docketed.

(Exh. B) A copy of a Notice Of Allowance received in another case (S.N. 29/228,455) mailed from the PTO on 03/30/2006.

(Exh. C) A copy of a cover sheet of an Office Action in another case (S.N. 10/623,163) mailed from the PTO on 04/04/2006.

(Exh. D - pgs. 1 and 2) A copy of a Notice Of Allowance and its PTO mailing envelope in another case (S.N.10/846,193) **mailed from the PTO on 04/05/2006, which was returned to the PTO on 04/13/2006 by the U.S. Postal Service as undeliverable.** The undersigned agent discovered that the non-received Notice of Allowance had been mailed and returned in a telephone conversation with the Examiner. On 06/13/2006 the Examiner faxed a copy of the returned Notice Of Allowance (Exh. D – pg. 3), and suggested that the fax copy be used to pay the issue fee. In a follow-up letter mailed 08/2/2006, the Examiner confirmed on Page 2 that the Issue Fee and drawings submitted on 7/03/06 had been received and confirmed that the originally mailed Notice Of Allowance was returned as undeliverable (Exh. D – pg 4).

(Exh. E) A copy of an email message dated 06/05/2006 from me to the building manager at my office location reporting that I had not been receiving mail for some time and discovered that the mail carrier had not been leaving the mail and at least some had been returned to the sender because he was unable to lock the mailbox.

(Exh. F) A copy of a cover sheet of an Office Action in another case (S.N. 10/998,786) mailed from the PTO on 04/11/2006.

(Exh. G) A copy of a cover sheet of an Office Action in another case (S.N. 29/209,852) mailed from the PTO on 04/18/2006.

(Exh. H) A copy of a cover sheet of an Office Action in another case (S.N. 10/983,146) mailed from the PTO on 05/05/2006.

At least one Notice of Allowance having a mail date in the same month as the non-received Notice of Allowance was returned to the PTO as undeliverable (Exh. D). The undersigned agent does not know if there may have been other documents mailed from the PTO during late April and early May that were returned.

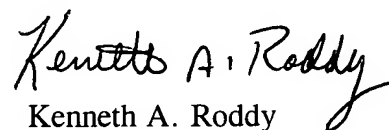
REQUEST AND ACKNOWLEDGEMENT

Mailing of a new Notice of Allowance and acknowledgement of the active status of this application is respectfully requested.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Kenneth A. Roddy
Agent for Applicant
Registration No. 31,294

2916 West T. C. Jester
Suite 100
Houston, TX 77018
(713) 686-7676 (Phone & Fax)

Applicant GRAY, ROBERT R.Ser. No. 10/068,575

Group _____

Filed FEB. 6, 2002

Room _____

For TRASH RECEPTACLE WITH SUCTION MEANS FOR DRAWING
A FLEXIBLE BAG LINER AGAINST ITS INTERIOR WALLSDrawings 16 Sheets. Executed _____

Forwarded _____

Allowed _____

Allowance Notice Sent _____

Final Fee Sent _____

Receipt for Final Fee _____

Patent Delivered to _____

Assignee _____

Assignment Forwarded _____

Recorded _____

Reel _____

Frame _____

Assignment Returned _____

Delivered Assignee _____

Foreign _____

OFFICE ACTIONS**AMENDMENTS**

SERIAL NO. 10/068,575 REC'D

6-23-04-RESTRICTION/ELECTION REC'D

7/22/04-RESPONSE TO R/E

10/18/2004 - OFFICE ACTION

1/18/05 - AMENDMENT

2/8/05 - NOTICE OF FEE DEFICIENCY CLAIM
ADDED2-21-05 - MAILED FEE FOR ADDED CLAIM
CHK. NO 95521/4/06 - NOTICE OF ABANDONMENT REC'D
(FEE NOT1/6/06 - PETITION FOR WITHDRAWAL OF
ABAND. - W/COPIES OF FEE PMT.)

2/3/06 - PETITION FOR WITHDRAWAL GRANTED

8/30/06 - NOTICE OF ABANDONMENT NOT REC'D
ISSUE FEE

Applicant's Residence _____

Post Office Address 502 S. POST OAK LN.SUITE 10HOUSTON, TX 77056PH: 713-622-4900

S.N. 10/068,575

GRAY, ROBERT R.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 03/30/2006
Kenneth A. Roddy
Suite 100
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER	
DELEHANTY, ROBERT A	
ART UNIT	PAPER NUMBER
2914	
DATE MAILED: 03/30/2006	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/228,455	04/21/2005	Fred T. Blanton		1706

TITLE OF INVENTION: GLOVE-TO-GARMENT SLEEVE CONNECTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$400	\$0	\$400	06/30/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

ExH, B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,163	07/18/2003	Kenneth W. Koch		2716

7590 04/04/2006

Kenneth A. Roddy
Suite 105
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER

KORNAKOV, MICHAEL

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov



Kenneth A. Roddy
Suite 100
2916 West T.C. Jester Boulevard
Houston, TX 77018

NOTICE OF ALLOWANCE AND FEE(S) DUE

04/05/2006

RETURNED AS
UNDELIVERABLE

EXAMINER

AMERSON, LORI BAKER

ART UNIT

PAPER NUMBER

3764

DATE MAILED: 04/05/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/846,193	05/13/2004	Raymond Randy Martinez		9411
TITLE OF INVENTION: APPARATUS FOR BACK THERAPY AND MULTIPLE EXERCISES				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	07/05/2006

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B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

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EXH. D (pg 1)
GN 10/846,193

IC3700 RANDOLPH

Organization Bldg./Room

U. S. DEPARTMENT OF COMMERCE

COMMISSIONER FOR PATENTS

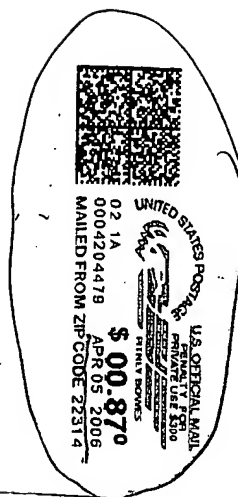
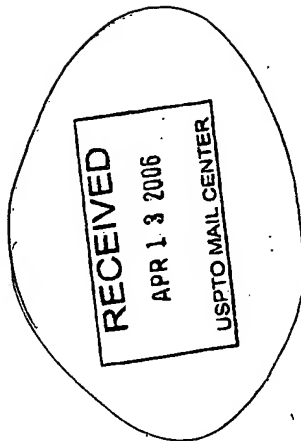
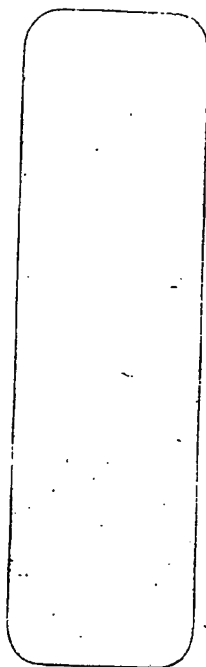
P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

AN EQUAL OPPORTUNITY EMPLOYER



EXH. D (Pg. 2)
(SN 10/846,193)



UNITED STATES PATENT AND TRADEMARK OFFICE

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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 04/05/2006
 Kenneth A. Ruddy
 Suite 100
 2916 West T.C. Lester Boulevard
 Houston, TX 77018

EXAMINER	
AMERSON, LORI BAKER	
ART UNIT	PAPER NUMBER
3764	
DATE MAILED: 04/05/2006	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/846,193	05/13/2004	Raymond Randy Martinez		9411

TITLE OF INVENTION: APPARATUS FOR BACK THERAPY AND MULTIPLE EXERCISES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	07/05/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION IN THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

EXH. D (pg. 3)
 (SN 10/846,193)

Response to 7/3/06 Letter

The Office Action mailed on 4/13/06 was returned to the USPTO as undeliverable.

The examiner has enclosed a duplicate copy of the action for your review.

Drawings

The drawings were received on 7/3/06. These drawings are acceptable. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori Amerson whose telephone number is (571) 272-4971. The examiner can normally be reached on Mon.-Fri from 9-6 p.m. Interviews Tue. and Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LORI AMERSON
PRIMARY EXAMINER

ExH, D (Pg. 4)
(SN 10/846,193)

Ken Roddy

From: "Ken Roddy" <ken@patentstuff.com>
To: "Ron Towery" <rontowery@ubahouston.org>
Sent: Monday, June 05, 2006 4:51 PM
Subject: Mail box Problem

Ron;

The lock on the mailbox file cabinet on the left-hand side is broken (won't lock), and I have not received any mail for at least two weeks (not even junk mail). Normally, I get some mail every day. I spoke with the people in 101 to see if they were getting mail and they said that they have a PO box, and rarely get mail in the file cabinet, but that last week the mailman told them that the lock was broken.

I have had at least one document, that I am aware of, that was returned to the U.S. Patent Office, and a check that was mailed to me by a client in California before Memorial Day which I never received.

I checked with the supervisor at the Post Office this afternoon to see if they may be holding any mail for me, which they were not, but they said they would check with the mail carrier to see what is going on.

I think that the mailman has been, and still is, simply returning my mail to the senders because he cannot leave the mail in an unsecured box.

Ken Roddy

EXH. E



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/998,786	11/29/2004	Amanda Bryan		5687

7590 04/11/2006
Kenneth A. Roddy
Suite 100
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT PAPER NUMBER

3618

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

ExH.F



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
29/209,852	07/22/2004	Sally May Frankum		3328

7590 04/18/2006
Kenneth A. Raddy
Suite 100
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER

WINDMULLER, JOHN

ART UNIT PAPER NUMBER

2914

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/983,146

11/04/2004

John N. Hays

9471

7590

05/05/2006

Kenneth A. Roddy
Suite 100
2916 West T.C. Jester Boulevard
Houston, TX 77018

EXAMINER

RAMIREZ, RAMON O

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E x H . H



EXPRESS MAIL LABEL
EQ 851114335

October 8, 2006

TC 3700, Art Unit 3727
ATT: STEPHEN J. COSTELLANO
The Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the patent application of **Robert R. Gray**, Serial No. **10/068,575** is a **Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action**.

Respectfully submitted,

Kenneth A. Roddy
Agent for Applicant
Registration No. 31,294
Telephone (713) 686-7676

Encls

CERTIFICATE OF MAILING - EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

Oct. 8, 2006

2916 West T.C. Jester Blvd.
Suite 100
Houston, TX 77018
(713) 686-7676

Kenneth A. Roddy
Agent for Applicant
Registration No. 31,294